srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION ST. NO. 28880 OF 2007
IN
WRIT PETITION NO. 7152 OF 2007.

Kavitake Laxmibai Maruti. .. Petitioner.
V E R S U S
Alandi Nagar Parishad & ors. ..Respondents.

Mr. N. R. Bubna for the petitioner - Applicant.
Mr. R. M. Patane A.G.P. for the State.

CORAM: S.B.MHASE & D.G.KARNIK,JJ.
DATE : DECEMBER 20, 2007.

P.C.

1. Heard. Learned counsel for the petitioner states that the petitionert is the elected candidate and his caste claim has been validated after a period of four months by the Scrutiny Committee. Even the Scrutiny Committee has given a letter that there was no delay on the part of the petitioner - applicant. If the elected candidate gets a certificate after a period of four months, and if it is found that he is not responsible for the delay, in that circumstances we have already held that the said provision is directory and the election of the elected candidate will not be affected. In the facts of the present case, we find that the case of the petitioner is covered by our judgment in Writ Petition No. 5691 of 2007 dated 20th December 2007. The Election Commission is therefore directed to follow our judgment and act accordingly. Civil Application is accordingly disposed of.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**